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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-sixth session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Ms. Chavez, Mr. Chernichenko, Mrs. Daes, Mr. El-Hajjé, Mrs. Forero Ucros, Ms. Palley and Ms. Warzazi: draft resolution

Violation of the human rights of staff members of the United Nations system and other persons acting under the authority of the United Nations

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Gravely concerned that staff members of the United Nations system and other persons acting under the authority of the United Nations continue to be detained, unaccounted for, threatened or subjected to other violations of their fundamental rights contrary to the Charter of the United Nations and other international instruments,

Particularly preoccupied by the increasing number of peace-keepers and peace-makers, civilian staff, both international and local, being killed during various United Nations missions,

Recalling the relevant resolutions on this subject, in particular General Assembly resolutions 45/240 of 21 December 1990 and 47/28 of 25 November 1992, Commission on Human Rights resolutions 1991/37 of 5 March 1991, 1992/26 of 28 February 1992, 1993/39 of 5 March 1993 and 1994/42 of 4 March 1994 and Sub-Commission resolutions 1990/20 of 30 August 1990, 1991/17 of 28 August 1991 and 1992/24 of 27 August 1992,

Recalling once again the recommendations contained in the report of the Special Rapporteur, Mrs. Mary Concepcion Bautista, (E/CN.4/Sub.2/1992/19), aiming at improving the protection of personnel of the United Nations system and their families, as well as of experts and consultants,

Referring to the proposals contained in the report of the Secretary-General of 27 August 1993, on the security of United Nations operations (A/48/349-S/26358),

Aware that human rights violations of its personnel can only have a negative effect on the implementation of the mandates of the organizations and bodies of the United Nations system, especially at a time when the United Nations is undertaking greater responsibilities and sending difficult missions to various parts of the world,

Greatly appreciating the efforts of the Secretary-General to promote a satisfactory resolution of all cases of this kind, and noting with interest Security Council resolution 868 (1993) of 29 September 1993 in which the Council urged States and parties to a conflict to cooperate closely with the United Nations to ensure the security of United Nations forces and personnel,

Recalling the Advisory Opinion of the International Court of Justice of 1949 on the responsibility of States Members for the security of United Nations staff members,

Taking note with satisfaction of General Assembly resolution 48/37 of 9 December 1993, in which the Assembly decided to establish an ad hoc committee, open to all Member States, to elaborate an international convention dealing with the safety and security of United Nations and associated personnel, with particular reference to responsibility for attacks on such personnel,

1. Urges again Governments and other entities holding de facto territorial power to respect and to ensure respect for the rights of staff

members and other persons acting under the authority of the United Nations, as well as of their families, and to take the necessary measures to ensure the protection of United Nations and associated personnel in their territory;

2. Requests the Secretary-General to continue his efforts to ensure that the human rights, privileges and immunities of the personnel of the United Nations system, including experts, and their families, are fully respected and to seek redress and compensation for the damage caused to them and to their organizations, as well as their full reintegration and re-education;

3. Also requests the Secretary-General to take steps to ensure the implementation of the recommendations contained in the report of the Special Rapporteur of the Sub-Commission, Mrs. Mary Concepcion Bautista, on the protection of the human rights of United Nations staff members, experts and their families (E/CN.4/Sub.2/1992/19), as well as of the proposals made in his report of 27 August 1993 on the security of United Nations operations (A/48/349-S/26358);

4. Urges Governments and other entities holding de facto territorial power, in accordance with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment adopted by the General Assembly in its resolution 43/173 of 9 December 1988, to provide adequate and prompt information concerning the arrest or detention of United Nations staff members and their families, and to grant the representative of the competent international organization access to them without delay;

5. Calls upon the existing human rights mechanisms, such as the Working Group on Arbitrary Detention, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the question of torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions to examine the cases involving the human rights of staff members of the United Nations system and of their families, as well as of experts and consultants, and to transmit the relevant part of their respective reports to the Secretary-General for him to include in his report to the Commission on Human Rights;

6. Welcomes the decision of the General Assembly, contained in its resolution 48/37 of 9 December 1993, to establish an ad hoc committee to elaborate an international convention dealing with the safety and security of

United Nations and associated personnel, with particular reference to responsibility for attacks on such personnel, and expresses the hope that this convention will be adopted as soon as possible;

7. Recommends that the Commission on Human Rights continue to keep under review the human rights situation of staff members of the United Nations system and other persons acting under the authority of the United Nations.

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